

1 from an inner portion of the body to and through an edge of the
2 body, the closure member for the body opening being captive to
3 the body and movable relative to the body between a) a closed
4 *AS* position in which the closure member closes the opening and has
5 an edge thereof essentially continuous with the body edge
6 adjacent the opening, and b) an open position in which the
7 closure member depends from the body reverse surface in the
8 space without projection above the body obverse surface and in
9 which the opening as defined by the side and end edges thereof
10 is fully open through the body.

REMARKS

The present amendment is submitted pursuant to a telephone conversation between the Examiner and the undersigned on May 20, 1992. For the reasons set forth more fully below, it is believed that these amendments place this application in condition for allowance.

The present application is a continuation-in-part of parent application Serial No. 07/770,019. An Office Action in the parent application was mailed by the Office on April 15, 1992, after the filing of the present application on April 1, 1992. The claims of the present application are patterned closely after those in the parent application. The present preliminary amendment seeks to amend the claims in this application in ways which address the issues in the Action issued in the parent application, so that the further progress of this application may be expedited.

The telephone conversation of May 20, 1992 between the Examiner and the undersigned was initiated by the Examiner.

During the course of that conversation, the Examiner made specific reference to certain of the materials which were cited to the Office in an Information Disclosure Statement filed in the parent application. Since it is apparent that the Examiner has before him, in this application, the materials submitted with the Information Disclosure Statement in the parent application, a copy of that Information Disclosure Statement, but not the references cited therein, is submitted herewith for the record of this application. It is believed that further copies of the cited references are not required as their submission would unnecessarily increase the size of the Office's files and unnecessarily increase applicant's costs of prosecuting this application.

Concerning the rejection made in the parent application under Section 112, it is observed that the present amendment cancels the words "and the like" from the claims in which those words formerly were present, and that otherwise the present claims eliminate the other issues noted under that Section 112 rejection.

Assuming that the rejections made in the action in the parent application on the prior art would be applicable to the correspondingly numbered claims of the present application, it is submitted that all claims in this application are allowable over the art in the cited parent application. Claim 1 states that when the closure member is in its open position relative to the opening defined in the body of the plug member, that opening (as defined by side and end edges of the opening in the body obverse surface) is fully open through the body. It is understood that, during the course of the conversation of May

20, 1992, the Examiner agreed that language of the substance now appearing in claim 1 renders claim 1 allowable over the combination of the Ashbaghi and ITW Catalog references considered under Section 103. In terms of the issues presented in this application, the Ashbaghi and ITW Catalog references are identical. As seen in FIG. 2 of the Ashbaghi patent, that article includes a bar 21 which traverses the opening 21 between its inner end edge 23 and its opening at the perimeter of cap 12. Accordingly, when the closure member of the Ashbaghi product is in its opened position relative to the cap, bar 28 remains in position in line with a portion of the opening and the closure member itself lies within the opening as defined by the side and end edges of that opening.

Also, FIG. 11 of the Ashbaghi patent accurately depicts the ITW product. When the opening in the ITW product is recovered, the tip of the cover protrudes above the top surface of the cap.

The Ashbaghi reference does not disclose or suggest the structure described in claim 2 or in claim 7.

Claim 8 as now presented defines patentably over Ashbaghi under Section 102 in a way which renders the claim allowable over the art of record under Section 103. Ashbaghi has no "boss" whatsoever in the obverse or top surface of closure member 14. The preceding remarks concerning the allowability of claim 1 over Ashbaghi are also pertinent to claim 8.

Claim 14 in the parent application was rejected on either one of Myers et al. and Ashbaghi under Section 102. Myers does not have an opening which extends to a margin of a cap. Also, the Myers closure member 21 is not pivotable about an axis parallel to the cap top surface, a fact which is also true

concerning the Bradley Catalog reference mentioned by the Examiner during the conversation of May 20, 1992. As to Ashbaghi, the article described by that patentee does not permit the closure member to slide within the cap opening substantially parallel to the cap top surface. Any sliding motion which is afforded by Ashbaghi for the closure member relative to the cap occurs after the closure has been moved to a position out of parallel alignment with the cap. In amending claim 14, "affording" has been changed to "enabling" because the latter word appears preferable to the former. Claims 15, 16 and 17 have been amended to be consistent with the current wording of claim 14.

Claims 18 and 21 are allowable over the art cited in the Action in the parent application for the reasons set forth above, particularly with reference to claim 1 hereof.

In view of the foregoing remarks, it is believed that all claims in this application are allowable over the references applied in the Action in the parent application. However, should the Office perceive that there remain issues to be addressed it is requested that the undersigned be telephoned so that such matters may be addressed expeditiously.

Respectfully submitted,
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Enclosures: IDS (parent Application 07/770,019)
Sample grommets (3)